

UNITED STATES OF AMERICA  
SOUTHERN DISTRICT OF ILLINOIS

UNITED STATES OF AMERICA, )  
 )  
 Plaintiff, )  
 V. ) No. 3:17-cr-30192-SMY-1  
 )  
 GRANT CLARK WASIK, )  
 )  
 Defendant. )

TRANSCRIPT OF PLEA PROCEEDINGS  
BEFORE THE HONORABLE STACI M. YANDLE  
UNITED STATES DISTRICT JUDGE

January 29, 2019

APPEARANCES:

FOR PLAINTIFF: Scott A. Verseman, Esq.  
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Proceedings recorded by mechanical stenography, produced  
by computer-aided transcription.

1 (Proceedings began in open court at 2:25 p.m.)

2 THE CLERK: The Court calls Case No. 17-cr-30192,  
3 *United States of America versus Grant Clark Wasik*. This  
4 matter is called for a change of plea.

5 would the parties please state your presence for  
6 the record?

7 MR. VERSEMAN: Good afternoon, Your Honor. Scott  
8 Verseman on behalf of the United States. I have with me  
9 at counsel table Postal Inspector Adam Latham, who is the  
10 case agent on the case.

11 POSTAL INSPECTOR LATHAM: Good afternoon, Your  
12 Honor.

13 THE COURT: Good afternoon.

14 MR. NEWTON: Good afternoon, Your Honor. Talmage  
15 Newton for the defendant Grant Wasik, who is with me in  
16 court this afternoon.

17 THE COURT: Good afternoon, Mr. Newton.

18 And good afternoon, Mr. Wasik.

19 I have been informed that Mr. Wasik wishes to  
20 enter a guilty plea pursuant to a Plea Agreement with the  
21 Government; is that correct?

22 MR. NEWTON: That is correct, Your Honor.

23 THE COURT: And, Mr. Verseman, my understanding  
24 is, Mr. Wasik will be entering a plea to Count 1 and that  
25 the Government will move to dismiss Counts 2 through 14 at

1 sentencing; is that correct?

2 MR. VERSEMAN: That is correct, Your Honor.

3 THE COURT: All right. Mr. Newton, would you and  
4 Mr. Wasik please approach the podium.

5 Mr. Wasik, could you please raise your right hand  
6 and be sworn by the clerk?

7 (Defendant sworn by clerk.)

8 GRANT CLARK WASIK,  
9 having been first duly sworn, was examined and testifies  
10 as follows:

11 EXAMINATION

12 BY THE COURT:

13 Q. All right. Mr. Wasik, do you understand that you  
14 are now under oath?

15 A. Yes, Your Honor.

16 Q. And that as a result, anything that you say that  
17 is untrue or false could be used against you in a future  
18 prosecution for perjury or false statements; do you  
19 understand that?

20 A. Yes, Your Honor.

21 Q. All right. Would you please state your full name  
22 for the record?

23 A. Grant Clark Wasik.

24 Q. And how old are you, sir?

25 A. 36 years old.

1 Q. And what is the extent your education?

2 A. College.

3 Q. All right. I take it then that you can read,  
4 write, and understand the English language?

5 A. Yes, Your Honor.

6 Q. Mr. Wasik, have you taken any type of medication  
7 or drugs in the last 24 hours?

8 A. No, Your Honor.

9 Q. Have you consumed any alcohol in the last 24  
10 hours?

11 A. No, Your Honor.

12 Q. All right. Is there anything that's preventing  
13 you, as you are standing there right now, Mr. Wasik, from  
14 being able to think clearly and understand the proceedings  
15 this afternoon?

16 A. No, Your Honor.

17 Q. Have you been provided with a copy of the  
18 Superseding Indictment, that is, the written charges  
19 against you in this case?

20 A. Yes, Your Honor.

21 Q. And have you had a chance to discuss the  
22 Superseding Indictment, specifically Count 1 of that  
23 Superseding Indictment, and your case in general with your  
24 attorney Mr. Newton?

25 A. Yes, Your Honor.

1 Q. Are you fully satisfied with the counsel,  
2 representation, and advice Mr. Newton has provided you in  
3 this case?

4 A. Yes, Your Honor.

5 Q. It's been alleged in Count 1 of the Superseding  
6 Indictment that you committed the offense of: Conspiracy  
7 to Commit Wire Fraud.

8 Do you understand the nature of that charge  
9 against you?

10 A. Yes, Your Honor.

11 Q. The penalties that can be imposed upon either a  
12 plea or finding of guilty as to Count 1 of the Superseding  
13 Indictment is:

14 No more than 30 years' imprisonment;

15 No more than a 250,000-dollar fine; and

16 No more than five years of supervised release; as  
17 well as

18 A 100-dollar Special Assessment.

19 As far as supervised release. Any conditions and  
20 terms of supervised release that I might impose at the  
21 time of sentencing, if you upon your release should  
22 violate any of those terms and conditions, your release  
23 status can be revoked and you could be sent back to  
24 prison; do you understand that?

25 A. Yes, Your Honor.

1 Q. Do you have any questions at this time regarding  
2 either the charge against you or the penalties associated  
3 with that charge?

4 A. No, Your Honor.

5 Q. Then let me explain your rights to you, Mr. Wasik:  
6 Sir, you are innocent until proven guilty;  
7 You need to be proven guilty beyond a reasonable  
8 doubt;

9 You have a right to a jury trial;

10 You have a right to confront your accusers;

11 You have a right to bring in witnesses to testify  
12 on your behalf;

13 You have a right against self-incrimination, which  
14 means you don't have to testify unless you choose to do  
15 so; and

16 You have a right to have an attorney present with  
17 you at each stage of these proceedings.

18 Do you understand that?

19 A. Yes, Your Honor.

20 Q. It's my understanding, Mr. Wasik, that you wish to  
21 plead guilty to Count 1 of the Superseding Indictment; is  
22 that correct?

23 A. That is correct, Your Honor.

24 Q. All right.

25 THE COURT: Is there -- is the Plea Agreement at

1 the --

2 MR. NEWTON: (Nonverbal response.)

3 Q. (BY THE COURT) I have been provided with the Plea  
4 Agreement. I have had a chance to review it. Let me ask  
5 you, sir, is that your signature on the last page of that  
6 Plea Agreement?

7 A. Yes, Your Honor.

8 Q. And did you have a sufficient opportunity to  
9 review and discuss in detail the terms of that Plea  
10 Agreement with Mr. Newton before you signed it?

11 A. Yes, Your Honor.

12 Q. All right. Do you understand that even though you  
13 have reached this agreement with the Government, that I am  
14 not bound by the specific terms of that Plea Agreement; do  
15 you understand that?

16 A. Yes, Your Honor.

17 Q. All right.

18 (In compliance with AO policy, sidebar portion of  
19 proceedings is excerpted and filed under separate cover.)

20 THE COURT: Mr. Verseman, what are the essential  
21 terms of the Plea Agreement in this case?

22 MR. VERSEMAN: Yes, Your Honor.

23 As the Court has already noted, the defendant is  
24 pleading guilty to only Count 1 of the Superseding  
25 Indictment against him, and the United States has agreed

1 under the Plea Agreement to dismiss Counts 2 through 14,  
2 which are all wire fraud counts, at the time of  
3 sentencing.

4 with regard to the guidelines, Your Honor, the  
5 Government has set forth in the Plea Agreement its  
6 position which, in total, would place the defendant at an  
7 offense level 31 with a criminal history category of four,  
8 and a sentencing guideline range of 151 to 188 months.

9 Now, Mr. Newton in negotiating this plea has  
10 reserved the right on behalf of the defendant to  
11 challenge, number one, our loss calculation and, also, to  
12 challenge the enhancement for a substantial part of the  
13 scheme being conducted outside of the United States.

14 The Government has agreed to recommend a low end  
15 of the guideline range.

16 Mr. Newton has reserved the right to argue the  
17 3553(a) factors and recommend a sentence below what is  
18 recommended by the Government.

19 And there is our standard appellate waiver in the  
20 Plea Agreement, Your Honor.

21 THE COURT: Okay.

22 Q. (BY THE COURT) Mr. Wasik, is that your  
23 understanding, again, of the essential terms of the Plea  
24 Agreement that you have entered into with the Government?

25 A. Yes, Your Honor.



1 Q. Sir, have any threats or promises been made to you  
2 or against you in an effort to somehow force or induce you  
3 to plead guilty in this case?

4 A. No, Your Honor.

5 Q. Is your intent to plead guilty then based on your  
6 own free and voluntary act?

7 A. Yes, Your Honor.

8 Q. Do you understand that if I accept your plea  
9 today, you will not be allowed to withdraw that plea at a  
10 later date?

11 A. Yes, Your Honor.

12 Q. And in terms of the Government's agreement as to  
13 what it will recommend for the purposes of sentencing or  
14 the guideline calculations that the parties have agreed  
15 to, do you understand that, again, this Court is not bound  
16 by those agreements and neither is Probation, and that in  
17 fact, ultimately, I may impose any sentence that's  
18 authorized under the law?

19 A. Yes, Your Honor.

20 Q. All right. And Mr. Verseman also mentioned  
21 certain waivers of your appeal rights and rights to  
22 collaterally attack the sentence in this case that are set  
23 forth in the Plea Agreement. Did you have a chance to  
24 specifically discuss those waivers with Mr. Newton so that  
25 you understand what rights you are actually waiving in

1 exchange for this Plea Agreement?

2 A. Yes, Your Honor.

3 Q. And in terms of sentencing. Have you also had a  
4 chance to discuss with Mr. Newton the federal sentencing  
5 guidelines and certain statutory factors that are set  
6 forth at 18 U.S.C., section 3553(a), and how those  
7 sentencing guidelines and statutory factors might apply  
8 when I sentence you?

9 A. Yes, Your Honor.

10 THE COURT: Mr. Verseman, what's the factual  
11 basis?

12 MR. VERSEMAN: Yes, Your Honor.

13 I think Your Honor has had a few of these cases  
14 already. This arises out of the conspiracy that resulted  
15 from this business known as Client Care Experts, that was  
16 formerly known as First Choice Tech Support. It was a  
17 tech support business that operated out of south Florida.

18 The Government would prove that the defendant was  
19 employed and participated in this conspiracy from  
20 approximately July 24th, 2014, through about June 29th of  
21 2016.

22 Specifically, we would prove that the defendant  
23 knowingly and willfully conspired with the owners and the  
24 other employees of this business to devise and participate  
25 in a scheme to defraud, and to obtain property by means of

1 false and fraudulent pretenses, representations, and  
2 promises.

3 This is what we call a Tech Support Scam, Your  
4 Honor. Basically, the way this operated was that the  
5 owners and managers of this business purchased internet  
6 advertisements known as pop-up ads, and these pop-up ads  
7 would appear without warning on the victims' computers.  
8 These pop-ups carried misleading and/or false information,  
9 such as: "A virus has been detected or malware has been  
10 detected, you may be at risk of losing all your data on  
11 your computer." It usually advised that the customer not  
12 shut down their computer, but they call a number on the  
13 screen. Sometimes these pop-ups froze up the person's  
14 browser so that they couldn't exit out of them.

15 So, when the folks would call the number on the  
16 screen, their calls would be routed to this business,  
17 Client Care Experts, formerly known as First Choice Tech  
18 Support.

19 salespeople for the business would answer these  
20 calls. They would identify themselves as Level One  
21 Diagnostic Technicians and then offer to help the people  
22 with their computer problems. The salespeople were given  
23 a script to read and use during the sales calls. The  
24 scripts were used to deceive and mislead the customers  
25 into thinking that there was something wrong with their

1 computer so they would make purchases from the business.

2 The way it went, Your Honor, the -- following the  
3 script, the salespersons would ask to get remote access to  
4 the person's computer. If the victim granted remote  
5 access, then the salesperson would go into it, look  
6 around. Usually they would comment on routine functioning  
7 of the computer such as, *well, you have so many processes*  
8 *running and that's an evidence of a problem or exposes you*  
9 *to loss of data*, things of that nature. In addition,  
10 sometimes the salespeople would state that the pop-ups  
11 were evidence of problems with the people's computer.

12 But the salespeople would also run a program  
13 called Webroot Analyzer on the victim's computer. This is  
14 a real program and it can diagnose problems. But the  
15 problem here was that even when Webroot showed that the  
16 computer was in good shape, the salespeople frequently  
17 tried to convince the victims otherwise, that their  
18 computers had serious problems and that they needed to  
19 purchase the goods and services.

20 The salespeople also used something called a "Best  
21 Buy pitch" which was -- they would tell the folks that  
22 they could go to Best Buy or some similar store to get  
23 their computer fixed, but if they did that, it would cost  
24 more money and Best Buy or the other store would have  
25 their computer a lot longer than it would take Client Care

1 Experts to fix their computer. That, in and of itself,  
2 was false and we'd be able to prove that.

3 Throughout the calls, the salespeople concealed  
4 from the victims the fact that if they just shut down  
5 their computers or rebooted, that these pop-ups would go  
6 away. They also concealed that Client Care and First  
7 Choice had actually played a role in causing those pop-ups  
8 to appear on people's screens by purchasing them.

9 At the end of the call, the salespeople tried to  
10 sell a computer "tune-up" usually for \$250 to the victims.  
11 They also tried to sell the victims anti-virus protection  
12 software for 400 bucks. If the customer said that they  
13 didn't have the money to pay for these, then the  
14 salespeople were authorized to offer discounts such as  
15 military or senior citizens, or whatever.

16 Your Honor, if we went to trial, we'd prove that  
17 this conspiracy victimized at least 57 people who resided  
18 in the Southern District of Illinois.

19 As far as the defendant's role. We would prove  
20 that he worked as a salesperson when he first started  
21 there, and that, from July through December of 2014, made  
22 sales totaling approximately \$99,027.17. And when he was  
23 a salesperson, he used that false and misleading sales  
24 pitch that I have just described for Your Honor.

25 Then from approximately January 2015 through June

1 of 2015, the defendant was what they called a Team Leader.  
2 And a Team Leader is a next step up from being  
3 salesperson. The Team Leader supervises a group of  
4 salespersons. So, he would have supervised a group of  
5 salespeople as they gave this misleading sales pitch.

6 Then the defendant was again promoted a couple of  
7 times throughout the remainder of his tenure at the  
8 business, became the Sales Manager and eventually the Vice  
9 President of the business. During these time periods,  
10 there were times when the defendant supervised the Team  
11 Leaders; there were times when he controlled the number of  
12 telephone calls coming into the business in response to  
13 the pop-ups; at times, he was responsible for purchasing  
14 the pop-ups; and, he was also responsible for the merchant  
15 accounts, which are the accounts used to process the  
16 credit card transactions.

17 And we would also prove, Your Honor, that the  
18 defendant was aware that the conspiracy was using  
19 interstate telephone calls for the purpose of executing  
20 the scheme to defraud.

21 And we would prove that there were phone calls  
22 from southern Florida to the Southern District of  
23 Illinois.

24 And finally, we would prove that have this was a  
25 telemarketing business that victimized 10 or more persons

1 over the age of 55.

2 Q. (BY THE COURT) Mr. Wasik, I have also been  
3 provided with a document entitled Stipulation of Facts.  
4 Is that your signature on that document?

5 A. Yes, Your Honor.

6 THE COURT: Mr. Verseman, is paragraph 24 correct?  
7 That between -- for over a period of less than a year,  
8 after Mr. Wasik was promoted to Sales Manager and Vice  
9 President, that the company made sales totaling over \$12  
10 million?

11 MR. VERSEMAN: That's what our records reflect,  
12 Your Honor.

13 THE COURT: Okay.

14 Q. (BY THE COURT) Mr. Wasik, in terms of the factual  
15 basis, in other words, the evidence that the Government  
16 would present against you if this case were to go to  
17 trial, as Mr. Verseman just detailed and as is also set  
18 forth in the Stipulation of Facts, do you agree with that  
19 factual basis, sir? In other words, did you do what the  
20 Government said you did in this case?

21 A. Yes, Your Honor.

22 Q. Do you have any questions at this point before I  
23 proceed to your plea?

24 A. No, Your Honor.

25 Q. Then at this time, Mr. Wasik, I'm going to ask how

1 you plead to the charge in Count 1 of the Superseding  
2 Indictment, that you committed the offense of Conspiracy  
3 to Commit Wire Fraud, guilty or not guilty?

4 A. Guilty.

5 THE COURT: The Court finds that a factual basis  
6 exists. That this defendant has knowingly, voluntarily,  
7 and competently pled guilty to Count 1 of the Superseding  
8 Indictment, and the Court hereby adjudges the defendant  
9 guilty of violating said offense.

10 Sentencing is set for May 2nd, 2019, at 10:30 a.m.

11 Mr. Wasik, Probation will be preparing a written  
12 Presentence Investigation Report to assist me in  
13 sentencing you on that day. You'll get a copy of the  
14 report. You'll have a right to review that report in  
15 detail with your attorney Mr. Newton. Included in that  
16 report will be proposed special conditions of supervised  
17 release, which you will also have an opportunity to object  
18 to, if you see fit. Finally, you'll have a chance to  
19 provide information to be included in that report for my  
20 consideration, and to have Mr. Newton present with you at  
21 that time, if you so choose.

22 You understand that?

23 THE DEFENDANT: Yes, Your Honor.

24 THE COURT: Okay. I know that Mr. Wasik has been  
25 on release pursuant to a unsecured bond since December 8th



1 of 2017, which is over a year. And I have received the  
2 Pretrial Services status report which indicates that Mr.  
3 Wasik has remained compliant with his conditions.

4 And I know that's being supervised out of Florida,  
5 I think.

6 MR. VERSEMAN: I think so, Your Honor.

7 THE COURT: All right. Mr. Verseman, does the  
8 Government have a position on detention or release?

9 MR. VERSEMAN: Based on the fact that there have  
10 been no violations of the bond, we don't object to the  
11 Court continuing the bond until sentencing.

12 THE COURT: All right. Mr. Wasik, because you  
13 have been compliant with the conditions and there have  
14 been no problems, there is no basis to detain you pending  
15 sentencing.

16 I would, however, point out, it's important that  
17 you continue to comply with each one of those conditions.  
18 And that, if you should fail to do so at this point, your  
19 release status could be revoked and you could be detained  
20 and put in custody pending sentencing in this case.

21 Do you understand that?

22 THE DEFENDANT: Yes, Your Honor.

23 THE COURT: Okay. Anything else, Mr. Verseman?

24 MR. VERSEMAN: Not by the Government, Your Honor.

25 THE COURT: Mr. Newton?

1 MR. NEWTON: No, Your Honor. Thank you.

2 THE COURT: Okay. Thank you.

3 (Court adjourned at 2:45 p.m.)  
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5  
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13 REPORTER'S CERTIFICATE

14 I, Christine Dohack LaBuwi, RDR, RMR, Official  
15 Court Reporter for the U.S. District Court, Southern  
16 District of Illinois, do hereby certify that I reported  
17 with mechanical stenography the proceedings contained in  
18 pages 1-18; and that the same is a full, true, correct and  
19 complete transcript from the record of proceedings in the  
20 above-entitled matter.  
21

22 DATED this 29th day of July, 2019,  
23

24 s/Christine Dohack LaBuwi, RDR, RMR

25 Christine Dohack LaBuwi, RDR, RMR